

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NICOLE TINNELL,

Plaintiff,

v.

ORDER
10-CV-079A

INVACARE CORPORATION,

Defendant.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On April 21, 2011, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion to dismiss be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion to dismiss is granted.

The Clerk of Court shall take all steps necessary to close the case.///SIG

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: May 12, 2011

